

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

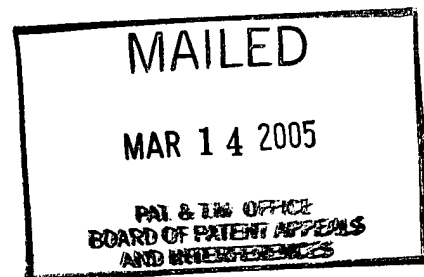
**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte VENKATASUBRAMANIAN ANANTHANARAYANAN, MICHAEL HENRY
FRONING, DESRA N. HERBST and THOMAS J. SOBZTAK

Appeal No. 2005-0482
Application No. 09/875,787

ON BRIEF

Before MCQUADE, NASE and BAHR, Administrative Patent Judges.
BAHR, Administrative Patent Judge.



DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-17,
which are all of the claims pending in this application.

We AFFIRM-IN-PART.

BACKGROUND

The appellants' invention relates to a battery terminal for an automotive battery and a method for its installation on the battery case. A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The examiner relied upon the following prior art reference in rejecting the appealed claims:

Hollis et al. (Hollis)	3,849,203	Nov. 19, 1974
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The following rejections are before us for review.

Claims 1-10, 13, 14 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hollis.

Claims 11, 12, 15 and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hollis.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the answer (mailed August 13, 2004) for the examiner's complete reasoning in support of the rejections and to the brief (filed May 28, 2004) and reply brief (filed September 10, 2004) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art reference, and to the

respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

Hollis discloses a battery terminal and a method for installing the terminal on a battery casing. Like appellants' invention, the terminal is inserted into an opening 11 in the side wall 10 of a battery casing from the inside of the casing. The terminal includes a base 20 in contact with the inner side of wall 10 and a bushing 21 extending from the base and through the opening. A circular flange 12 surrounds the opening 11 of the casing side wall forming a recess 14. A generally ring shaped lead locking ring 29 is disposed within the recess 14. The elements of the terminal are mechanically locked in assembled position by a swaging action as follows:

In order to permanently fix the terminal assembly into the side wall 10, the preliminary assembly of elements is placed beneath the swaging tool as illustrated in FIG. 1. The rotor 32, connected to a source of power, is rotated at high speed and then lowered toward the assembly. Freely rotatable wheels 34, 35, 36 and 37 will make contact with the surface of locking ring 29 and the outer edge 24 of bushing 21. Under continued downward pressure from the swaging tool and as a result of the heat buildup from the high speed rotation, the lead of locking ring 29 and the end 24 of bushing 21 will be deformed and molded into the shape shown in FIGS. 2 and 3. The end 24 of bushing 21 will be elongated and extend over a portion of locking ring 29 as shown at 28. Locking ring 29 will, simultaneously, be formed with a peripheral depression 31 corresponding to the non-concave part of the periphery of wheels 34 and 36 of the swaging tool. During the swaging operation a suitable support, not shown, will be inserted into the battery case immediately beneath the undersurface of body 20 to permit support for the assembly and case [column 2, lines 28-49].

Appellants argue that Hollis does not anticipate claim 1 because the locking ring 29 of Hollis is not secured to the outer circumferential surface of the terminal barrel portion (bushing) 21 and thus fails to meet the limitation of an annular retaining ring “having an inner circumferential surface secured to the outer circumferential surface of said barrel portion” of claim 1 (brief, pages 4-5). We disagree. The deformation of the lead locking ring 29 from the downward pressure and heating from the swaging action, in cooperation with the locking action from the extension of the end 24 of bushing 21 over the locking ring, will secure¹ it to the outer circumferential surface of bushing 21.

Appellants also argue that Hollis lacks the retaining ring “longitudinally engaging said terminal” as set forth in claim 1. On the contrary, Hollis’ Figure 2 clearly illustrates the longitudinally-extending inner circumferential surface of the locking ring 29 engaging the longitudinally-extending outer circumferential surface of the terminal bushing 21. This meets the above-mentioned “longitudinally engaging” limitation of claim 1. To the extent that appellants’ argument on page 5 of the brief is based on some definition of “longitudinally engaging” which precludes the afore-mentioned arrangement of the

¹ Consistent with the ordinary dictionary definition, we understand “secure” to mean “to make firm, fast, tight, etc.” or “to put under restraint.” Webster’s New World Dictionary, Third College Edition (Simon & Schuster, Inc. 1988).

locking ring and bushing of Hollis, we find nothing in appellants' specification which supports such a limited definition.²

For the foregoing reasons, we find appellants' arguments that Hollis does not anticipate independent claim 1 unpersuasive. The rejection of claim 1, as well as claims 2, 3 and 6 which appellants have grouped therewith (brief, page 4), as being anticipated by Hollis is sustained.

Appellants' only argument with respect to the rejection of claims 8-10, 13 and 14, namely, that Hollis lacks a step of installing a retaining ring on the terminal which longitudinally engages the terminal (brief, page 5), is unpersuasive for the reasons discussed above. It follows that the rejection of these claims as being anticipated by Hollis is also sustained.

The rejection of claims 4, 5, 7 and 17 as being anticipated by Hollis, on the other hand, is not sustained. There is no indication that the swaging operation described by Hollis for installing the terminal and locking ring onto the side wall of the battery casing will result in welding or fusing together of the surfaces of the locking ring and terminal as required by these claims. Hollis refers to the locking ring and terminal as being

² In proceedings before it, the USPTO applies to the verbiage of claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification. In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). Moreover, absent an express definition in their specification, the fact that appellants can point to definitions or usages that conform to their interpretation does not make the PTO's definition unreasonable when the PTO can point to other sources that support its interpretation. Id., 127 F.3d at 1056, 44 USPQ2d at 1029.

“mechanically locked in assembled position” by the swaging action (column 2, lines 11-12), as contrasted with the connection between the lug 27 of terminal base 20 and leg 53 of plate 55 which Hollis characterizes as being made “permanent by ‘burning’ wherein the two members are fused together” (sentence bridging columns 2 and 3).

The basis of the examiner’s rejection of claims 11, 12, 15 and 16 as being unpatentable over Hollis is that it would have been obvious to use electrical current to heat the locking ring 29 of Hollis to fuse the materials because passing current through metal to produce heat was well known in the art and heating as part of the swaging operation is well described in Hollis (answer, page 5). This position is not well taken.

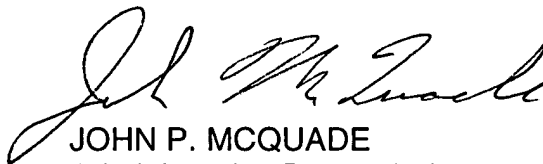
As mentioned above, Hollis provides no teaching or suggestion to weld or fuse the locking ring to the terminal. Rather, Hollis discusses a mechanical locking accomplished by a swaging action which softens the metals to facilitate their deformation under downward pressure. In light of the differences between such swaging action and electrical current welding, we find no suggestion in Hollis to assemble the locking ring and terminal using electrical current heating. Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. See In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). Having found no such showing here, we cannot sustain the examiner’s rejection of claims 11, 12, 15 and 16 as being unpatentable over Hollis.

CONCLUSION


To summarize, the decision of the examiner to reject claims 1-17 is affirmed as to claims 1-3, 6, 8-10, 13 and 14 and reversed as to claims 4, 5, 7, 11, 12 and 15-17.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

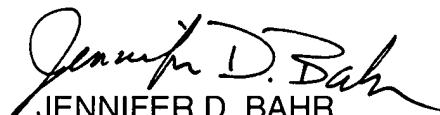
AFFIRMED-IN-PART



JOHN P. MCQUADE
Administrative Patent Judge



JEFFREY V. NASE
Administrative Patent Judge



JENNIFER D. BAHR
Administrative Patent Judge

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